

UNITED STATES DISTRICT COURT
~~NORTHERN~~ DISTRICT OF NEW YORK
Southern

JEREMIAH Folsom HERBERT

Plaintiff(s).

COMPLAINT
(Pro Se Prisoner)

Case No. _____
(Assigned by Clerk's
Office upon filing)

~~Pay~~ Demand - Judge TRIAL
☐ Yes
☒ No

v.
1) SERGANT J. Geogre 7AM TO 3PM Shift
2) Sgt. Johnson, 7AM to 3PM
3) OFFICER M. Salas, 4) OFFICER Cannon
5) Sgt. Ridley
Defendant(s).

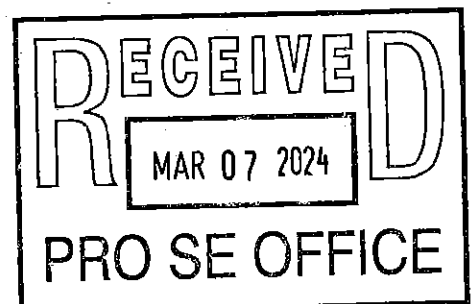
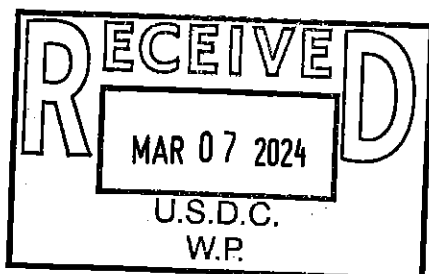
NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's social security number, taxpayer identification number, or birth date; the name of a person known to be a minor; or a financial account number. A filing may include *only* the last four digits of a social security number or taxpayer-identification number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Fed. R. Civ. P. 5.2.

I. LEGAL BASIS FOR COMPLAINT

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution and laws of the United States. Indicate below the federal basis for your claims.

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
☐ *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
☐ Other (please specify) _____



- How each defendant was involved in the conduct you are complaining about

If you were physically injured by the alleged misconduct, describe the nature of your injuries and the medical evaluation and treatment you were provided. You need not cite to case law or statutes or provide legal argument in the Statement of Facts. Use additional sheets of paper if necessary.

SEE Enclosed Arguments And Documents And Constitutional Violation Imposed By Each Listed Upon Plaintiff At Sing-sing C.F)

V. STATEMENT OF CLAIM(S)

State briefly and concisely the constitutional and/or statutory basis for each claim you seek to assert and identify the defendant(s) against whom each claim is

asserted. Commonly asserted claims include: excessive force; failure to protect; deliberate indifference to medical needs; unconstitutional conditions of confinement; denial of due process in a disciplinary or other proceeding; denial of equal protection; retaliation for the exercise of a First Amendment right; and interference with free exercise of religion. Legal argument and case citations are not required. Use additional sheets of paper if necessary.

FIRST CLAIM

Failure To Protect, Eighth
Amendment Violation

SECOND CLAIM

UNConstitutional Conditions of
Confinement

THIRD CLAIM

Deliberate-Indifference To
Medical Needs

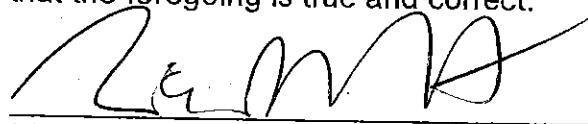
VI. RELIEF REQUESTED

State briefly what relief you are seeking in this case.

NON-JURY TRIAL demand

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 2/24/2024



Plaintiff's signature
(All plaintiffs must sign the complaint)

IN The United States District Court:
For The Southern District OF New-York:
MR. JEREMIAH F. HERBERT, PRO-SE, Plaintiff
- Against -

SERGEANT J. GEORGE, ETC. A1; Defendants
Individually And In Their Official Capacities

• NON-JURY TRIAL demand

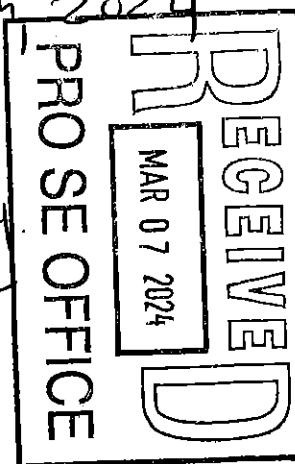
Plaintiff's 42 U.S.C. 1983 Civil Rights Action;
Please Take Notice Plaintiff, Pro-SE Files
42 U.S.C. 1983 Complaint Against The Following:

- 1) SERGEANT J. GEORGE, 7AM TO 3PM Shift
- 2) OFFICER M. SALAS C H-BLOCK - 3PM TO 11PM)
- 3) SERGEANT JOHNSON C 7AM TO 3PM Shift)
- 4) SERGEANT RIDLEY C 7AM TO 3PM Shift)
- 5) CORRECTION OFFICER CAMRON C 7AM TO 3PM)

Jurisdiction And Venue:

- 1) This Court has Jurisdiction over This Action
Under (28 U.S.C Sections - 1331 AND 1343)(3)(4).
This matter Arises under 42 U.S.C. 1983.
- 2) Plaintiff was Confined At Sing-Sing C.F.
At State Facility At 354 Hunter Street
Ossing, NY 10562 At Time of JAN. 29th 2024
Events, which Is Located In Southern
District, New York, Westchester County.
- 3) Plaintiff Is Currently Confined at
Attica C.F; Attica, N.Y. 14011-0149.

Page #11



- 1) Plaintiff Jeremiah Herbert Is And was, At All Times Relevant Hereto, A Prisoner In Custody of State of New York Department of Corrections. Plaintiff At Times Relevant to Events on JAN. 29th, 2024, Jan. 30th, 2024 was Incarcerated at Sing-Sing C.F.; Plaintiff Is Currently Incarcerated at Attica Correctional Facility.
- 2) Defendants Sergeant J. George of (7AM to 3PM Shift) Is And was, At all Times Relevant And was Assigned As Area-Supervisor on JAN. 29th, 2024!
- 3) Defendants Sergeant Johnson of (7AM to 3PM) H-Block Gallery, was At all Time Relevant to This Action on JAN. 29th, 2024.
- 4) Defendants Officers M. Salas (7AM to 3PM) H-Block Gallery, was Gallery Officers. At All Times Relevant to This Action! JAN. 29th, 2024!
- 5) Defendants Sergeant Ridley of (7AM to 3PM) ON A-Block YARD, ON JAN. 29th, 2024 At Times Relevant was Employed At Sing-Sing C.F.
- 6) Defendant Officer Camron (7AM to 3PM), who At All Times was Relevant of H-Block was Assigned To Sing-Sing C.F.

Case 7:24-cv-01789-PMH Document 1 Filed 03/07/24 Page 6 of 23

7) This Action Arises Under And Remedy
Pursuant To (42 U.S.C. Section 1983) To
Remedy The Deprivation, Under Color Of
Law, Rights Guaranteed By Way Of
The Eighth And Fourteenth Amendment.

Exhaustion Of Administrative Remedies

Plaintiff On Jan. 30th, 2024 And Feb. 2nd, 2024
Did File Under Docs Directive 4040 Properly
Filed Grievances And Complaints With Regards
To Constitutional Violation Imposed; Under
42 U.S.C. 1997(e) And Exhaustion
Remedies were Indeed Followed

Statement Of Facts:

- 1) ON OR ABOUT JANUARY 29th, 2024, plaintiff
was "In-Transit" Status At Sing-Sing C.F.
- 2) ON JANUARY 29th, 30th, 31st, 2024 plaintiff
was Indeed A Victim Of Failure To Protect,
Assault And Battery, Physically And
Emotional harm Imposed upon plaintiff
Inside A-Block Yard At 2:10pm.
- 3) ON Jan. 29th, 2024 plaintiff At 10:30pm
Was Taken To Westchester Medical Center
For Xrays And Exams By Doctor Williams.

- Case 7:24-cv-01790-PJM Document 1 Filed 03/07/24 Page 7 of 23
- 4) ON JAN. 29th, 2024 Plaintiff Informed Defendant Geosie, Camron, Ridley, Johnson, M. Salas About Fears For his Personal Health And Safety After Being Attacked.
- 5) ON JAN. 29th, 2024 At 2.10pm Inside A-Block Yard Plaintiff Was Assaulted without Provocation, Struck By Each Defendant At 3.30pm Numerous Times Causing Injuries To Plaintiff's Eyes, Nose, Mouth, Chest.
- 6) ON JAN. 29th, 2024 And JAN. 30th, 2024 Sergeant Johnson, Sergeant Ridley, Sergeant J. George, Officer M. Salas, And Officer Camron Refused To Transfer Plaintiff To Protective-Custody As Request By Plaintiff For Fear of Safety Made.
- 7) Following Plaintiff's Visit To The Emergency Room (Westchest Medical Center) on JAN. 29th, 2024; No Follow-up medical Care, Plaintiff Continued To Suffer Injuries, Migraine Headaches, dizziness, And General Physical pain As A Result of Injuries. Plaintiff Continued To Bleed From Right Side of Face For Days Making It difficult To Eat
- [Page 4] →

Case 7:24-cv-01780-PMH Document 1 Filed 03/07/24 Page 8 of 23

8) Immediately Following JAN. 29th, 2024 Assault And Attack, Plaintiff Suffered Cuts And lacerations to Body And Face, As Well As Multiple Bruises And Swelling to Face And Body; In Addition of JAN. 29th, 2024 Plaintiff Was Given X-Ray To determine whether or Not his Nose Was Broken, Defendant Ridley, Johnson, Cannon, Geos'e, M. Salas All Failed To Intervene to Stop Attack In A-Block Yard.

9) ON JAN. 30th, 2024 And Feb. 2nd, 2024 Plaintiff Filed A Grievance At Sing-sing c.f. And on Feb. 15th, 2024 At Attica c.f. And Civil Suit Against Each Named Defendant For Their Deliberate-Indifference, Failure To protect, And Harm Caused to Plaintiff.

10) Despite plaintiff's Repeated Request Each Defendant Failed To protect Plaintiff From Being Attack Inside A-Block yard As An In-Transit Status Inmate, Suffered Extreme Emotional distress. / Page 5,

- 11) Each Defendant Failed To Stop Attack And Laughed At Plaintiff Injuries And Used Retaliation Of Feb. 3rd + 4th, 2024 Upon Plaintiff Inside Medical Unit At Sing-Sing. (See: Medical Video) (# NO-CAMERAS IN YARD)
- 12) Each Defendant On JAN. 29th, 2024 At 2:10pm Failed To Immediately Administer Duty Of Care To Protect; Violation Of Constitution Right Under Eighth Amendment.
- 13) Plaintiff Indeed Suffered Bruises Upon Face, Body, And Multiple Physical Injuries Including Extreme Emotional Distress From JAN. 29th, 2024 Incident.
- 14) Plaintiff Suffered Serious Injuries As Well As Migraines Headaches, Dizziness, And Still General Pains Throughout Body To Date.
- 15) Defendants Failed To Provide Adequate Pain Medication, Plaintiff Was UNABLE To Properly Eat For Days Without Receiving Care!

At All Relevant Times Herein
Each Defendant Were "Persons" For
Purposes of 42 U.S.C. 1983 All Acting
Under Color of Law to Deprive Plaintiff
Federal Constitutional Rights With Regards
To; Failure to Protect, Excessive Force,
And Inadequate Medical Care.
Wherefore, Plaintiff Prays For Judgment
In his Favor And Damages In The
Following:

- A) \$100,000 In Compensatory damages
To Compensate For Pain And Mental
Anguish.
- B) \$100,000 In Punitive Damages For Acts
Of Deliberate Indifference And Intentional
Misconduct of Defendants, But In
No Event No Less Than (\$300,000).

(See - Relevant Statement
Of Facts To Support
42 U.S.C. 1983 Claim)

Page-7

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JERIMIAH FOLSOM HERBERT

NON-JURY TRIAL DEMAND

Plaintiff,

V.S.

42 U.S.C. 1983 Relief

SERGEANT J. GEOGLE, et al.

Defendants

PLEASE TAKE NOTICE that the Plaintiff is pro-se and as a state prisoner confined to the custody of the New York State Department of Corrections and Community Supervision on January, 18, 2024, Plaintiff was transferred from Attica Correctional Facility to Sing-Sing Correctional Facility for a civil right trial date in White Plains set for January, 22, 2024. On January, 29, 2024 at 2:10 while inside Sing-Sing A-Block yard waiting to use the phone, Plaintiff was indeed a victim of a physical assault and battery as a "hold over in transit" status inmate. Defendant J. Geogle, Sgt. Johnson, Sgt. Ridley, Officer Camron, officer M. Salas, each of them worked 7am to 3pm shift. They violated Plaintiff's Eighth and Fourteenth Amendment rights by acting with deliberate indifference to Plaintiff's safety and conditions of confinement that posed a substantial risk of danger and serious harm to Plaintiff on Jan. 29th, 30th, and 31st, 2024.

On January, 29th, 30th, 31st, 2024 as a result of being a victim of assault and battery, physically and emotionally harm was imposed upon the Plaintiff. The physical injuries are as follows:

- 1) Broken nose
- 2) Impaired vision to right eye
- 3) Cut with a razor blade to right side of face.
- 4) Broken Jaw Bone

On Jan. 29th, 2024 at around 10:30pm a medical exam and X-ray at Wester Medical Center was performed by Doctor Williams, which

prove physical injuries following Jan., 29th, 2024 assault. Each listed defendant, J. Geogle, officer Camron, Sgt. Johnson, Sgt. Ridley, and officer M. Salas all failed to protect Plaintiff from a gang-assault inside A-Block yard.

Plaintiff on 1/29/24 at 2:10pm was subjected to blows, assault and battery by three known blood gang members while in transit status inside DOCCS custody.

EIGHTH AMENDMENT VIOLATION_
FAILURE TO PROTECT CLAIM

On Jan. 29th, 2024 each listed Defendant, Johnson, Ridley, Camron, M. Salas, J. Geogle, failed to protect Plaintiff as an in transit status inmate and allowed him access to A-Block yard to pose an excessive risk of harm to Plaintiff. As a victim of assault and battery Plaintiff should not have been able to mix and mingle with general population and should have been separated. Each individual defendant failed in its duty and responsibilities as DOCCS employees. The employees was required to fully provide adequate protection to Plaintiff while I was in their custody at Sing-Sing G.F. on 1/29/24, 1/30/24, 1/31/24. Plaintiff sustained physical injuries from the attack and assault which satisfies the requirement under Section 1983 to state an Eighth Amendment Constitutional Violation for relief. Plaintiff seeks to recover damages for his physical injuries that the medical records will support.

At 3:10pm on Jan., 29th, 2024 while inside Sing-Sing medical unit, Sgt. Ridley and Sgt. Johnson and officer Camron took photographs of Plaintiff's physical injuries and documented the blows and physical injuries imposed. Medical records from DOCCS and Westchester Hospital will show how Plaintiff's life and safety was put in danger. Each individual defendant is fully responsible for personal involvement under 42 U.S.C. 1983 claim to support an Eighth Amendment Constitutional Violation. Under 42

U.S.C. 1997 (e)(a) Plaintiff did follow proper grievance procedure and file a grievance according to directive 4040 with regards to failure to protect and risk of harm and danger. Relevant documentary evidence at a non-jury trial will show and prove how while Plaintiff was in transit status each defendant willfully violated the law, DOCCS policies to impose emotional distress, mental anguish, and physical violence upon Plaintiff by placing Plaintiff in harms way, evidence of assault and physical injuries exist to support claim.

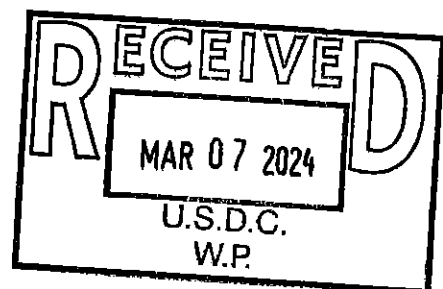
EXCESSIVE FORCE CLAIM

Unjust assault and battery caused by each defendants neglect of duty of care on Jan. 29th, 30th, 31st, 2024 on H-Block, and inside medical-unit center! Plaintiff was punched, beaten, stabbed, cut and left to die by each defendant are responsible for violation under color of law to support excessive force claim for relief!


INADEQUATE MEDICAL CARE AND TREATMENT

Can prove that after he left Westchester Medical Center on 1/30/2024 at 12:10am in the morning; no follow-up treatment; each defendant is responsible to ensure Plaintiff had adequate medical treatment after being a victim of assault by unknown blood members on the 29th on Jan. 2024 at 2:10pm in A-Block yard!

EXHIBIT A



44-FAILURE TO PROTECT SINGERS

 Corrections and Community Supervision INCARCERATED GRIEVANCE PROGRAM COMPLAINT FORM	GRIEVANCE NO. 0469-24	DATE FILED
	GRIEVANT NAME Herbert, J	DIN 23831459
	FACILITY Attica	HOUSING UNIT A-5-36
	PROGRAM AM _____ PM _____	DATE 2/9/24

(This form must be filed within 21 calendar days of grievance incident*)

Description of Problem: (Please make as brief as possible and print legibly)

SEE ATTACHED

RECEIVED

Grievant Signature: _____

Grievance Clerk Signature: _____

Date: _____

FEB 15 2024

ATTICA CORR. FACILITY
INMATE GRIEVANCE

Advisor Requested: ☐ YES ☐ NO Who: _____

Action Requested by Grievant:

This Complaint Has Been Resolved as Follows:

Informal Resolution Accepted: (To be completed only if resolved prior to hearing)

Grievant Signature: _____

Date: _____

Witness Signature: _____

Date: _____

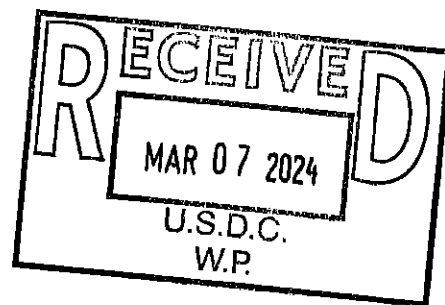
If unresolved, you are entitled to a hearing by the Incarcerated Grievance Resolution Committee (IGRC).

*An exception to the time limit may be requested under Directive #4040, § 701.6 (g).

Jeremiah Herbert, 2361459, A-29
 Sing-Sing C.F. Dated: 2/2/2024
 Attn: I.G.R.C. Coordinator
 Sing-Sing C.F.
 Formal Grievance matter:
 Assault And Victim Of Battery While
 In Transit Status ON 1/29/2024 While
 In A-Yard; Willful Violation Caused

DEAR I.G.R.C.
 Please Take Notice Under DOCS Directive
 4040 I filed This Grievance Because
 ON JAN. 29th 2024 AT 2:00 PM I WAS A
 Victim Of Assault And Battery While
 In Transit Status As A Hold over At
 Sing-Sing C.F.
 Physical Violence And physical Injuries
 Were Indeed Imposed upon me.
 My Institutional Safety was put In
 Serious danger By Sing Sing C.F.
 Sgt Rildy, Sgt Johnson, Officer
 Cannon, M. Sales, Sgt J. Geosley,
 All of 7AM TO 3PM Tour Shift.
 I WAS A victim Of Brutal
 Assault And Of Gang Violence
 ON 1/29/2024 AT 10:30 PM AT
 Wheelock Medical Exam Took place

EXHIBIT B

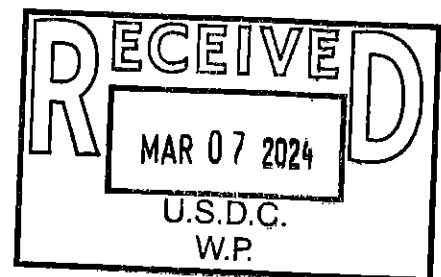


Sing-Sing C.F.
Attn: Foil Request Office
D.S.P. E. Velez, Deputy of Programs

Formal-Request:
Request Video within 30 days ON JAN. 29th 2024
A-Block Yard 2.10pm Assault, Timely Request
For Video Tape Evidence To Be Made Available

DEAR Foil officer:
Please Take Notice I Hereby Timely Request Any
And All Video Tape Evidence OR Any Form
OF Production OF Camera Footage To Be Fully
Preserved And Made Available To me.
ON JAN. 29th, 2024 AT 2.10pm While In
A-Block Yard I Was A Victim OF Assault
And Battery As An "In Transit" Status I/R
I Specifically Request per Docs Directive (#2010)
And First Amendment Any And All Video
Footage From A-Block Yard be produced.
In Accordance with Docs Directive (#2010)
Its Requested Sing-Sing C.F. Directly
produce Video OF Incident That Indeed Exist.
I Hereby Also Request under Docs Directive
2010 Any And All Medical Records And
Westchester Medical Center Reports AS
Timely Requested please produce And Make
Available All Specific Request within
30 days. I Thank you kindly.
C.C. File
J.B.-C. Cordova
Date 2/3/24
Very Truly,
Ed M

EXHIBIT C



Jeremiah Herbert, 2381451 Dated: 2/2/2024

Sing-Sing C.F.

AAI Nurse Officer

Medical Department / Nurse Administrator

Sing-Sing C.F.

Formal Request: Medical Records Requested From
JAN 29th, 2024 Assault, Request Westchester
Hospital Records, Doctor Williams Report

Dear Medical Department:

Please Take Notice Under DOCS Directive 2010
And (HIPAA) I Request All Medical Records
Photographs of Injuries, Pictures Taken of
Incident of Assault on JAN. 29th, 2024 AT
2.10pm. I Requested The Following Legal
Production of Medical Records / Reports:

A) Photographs of Bleeding + Cut To Right
Side of Face!

B) Photographs Taken By Sgt. Ridley And
Sgt. Johnson of Nose, And Black Eye!

C) All Hospital Records From Westchester
Medical Center of JAN. 29th, 2024 And
Doctor Williams Described Report.

D) All Medical Records That Exist And
Request Facility Records From JAN. 29, 30, 31, 2024.

I Submit This Request Per DOCS
Directive 2010 And HIPAA Request
C.C. File

Tu Nurse Administrator

I.G.R.C. Coordinator

Dated: 2/2/24

Very Truly

[Signature]
Said

AFFIDAVIT OF SERVICE OF MAILING

STATE OF NEW YORK

COUNTY OF WYOMING) ss.: 42 U.S.C. 1983
Civil Rights
ComplaintJeremiah Herbert

, being duly sworn, deposes and says:

On the 24th day of Feb., 20 24, I served a true copy of the annexed U.S.C. 1983 Claim by mailing the same in a sealed envelope, with

postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the

State of New York, addressed to the last known addressee(s) as indicated below:

(Insert here the name[s] and address[es] of the person[s] to whom you are mailing the papers being filed with this Court. If necessary, attach extra pages for additional names and addresses.)

Name & Address	Name & Address
United States District Court 500 Pearl Street NY NY 10011	
Clerk of Court 300 Quarropas Street White Plains, NY 10601	
Attorney General Office The Capitol, Albany NY 12224	
Pro-se Intake Office 300 Quarropas Street White Plains, New York 10601	

(Signature) Jeremiah Herbert(Print Name) Jeremiah HerbertSworn to before me this 24thday of FEBRUARY, 2024Anthony J. Ehrenreich

Notary Public

ANTHONY J. EHRENRICH
 Notary Public, State of New York
 Registration # 01EH0016832
 Qualified in Erie County
 Commission Expires 11/27/27

Revised: September 18, 2018

Jeremiah HERBERT, pro-se, Plaintiff
Attica Correctional Facility
P.O. Box 149, Attica, N.Y. 14011-0149
Dated: 2/27/2024

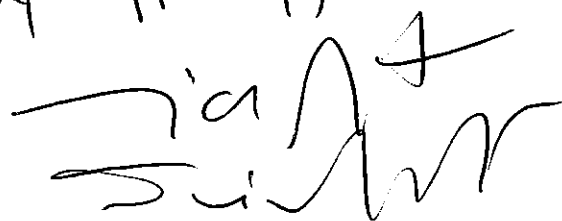
ATTN: CLERK OF COURT
PRO-SE Intake Unit
300 QUAROPAS STREET
White Plains, N.Y. 10601
Formal-matter: 42 U.S.C.A. 1983 Complaint
Filed FOR PURPOSES OF Order of Summons And
Petition with Court.

DEAR CLERK OF COURT:
PLEASE Take Notice Plaintiff pro-se Files
42 U.S.C.A. 1983 Complaint, Together with
I.F.P. Status, Plaintiff Submits Complaint
FOR Court Review AND ORDER OF Service TO
Be Fully Granted. UPON Request Court Shall
Issue AND Serve marshalls TO Effect
Proper Service UPON Each Defendant.
I.F.P. Status Shall Be Granted, Its
Requested Court Issue Summonses UPON
Each Defendant, UNDER Rule 4(m)
Complaint Is properly Filed with Court
By Plaintiff.

cc. file

Date: 2/27/24

Very Truly,



ATTICA CORRECTIONAL FACILITY
BOX 149
ATTICA, NEW YORK 14011-0149

NAME: Jeremiah

Honest

DIN:

A36145

ATTICA CORR FACILITY



WESTERN PRISON SERVICE

quadrant

02/29/2024

US POSTAGE \$002.35



ZIP 14011
041M11471730

egal-mail

Pro-se Intake Office

Chief Clerk of USM
Charles L. Briant Court
300 Quarropas Street
White Plains, New York
SDNY
ATTICA CORRECTIONAL FACILITY

2.35